



ATTY. DKT. 14.0088 (WEST/0008)

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TECHNOLOGY CENTER
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Simon Hastings Bittleston

Serial No. 09/893,234

Filed: June 26, 2001

For: Control Devices for Controlling
the Position of a Marine Seismic
Streamer

Group Art: 2862

Examiner: Taylor, V.

Attention: Office of Petitions

Commissioner for Patents
Mail Stop DAC
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Mail Stop DAC, PO Box 1450, Alexandria, VA 22313-1450 on the date below:

4/16/03 Yolanda Charles
Date Signature

Dear Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

The subject patent application was held to be abandoned on December 9, 2002 for failure to timely respond to the Office Action mailed on June 19, 2002 (copy of Notice of Abandonment and Office Action of June 19th enclosed). Applicant respectfully submits that this action was erroneous in view of the following facts:

1. the Office Action of June 19th required Applicant to restrict the claims by election to one of three alleged inventions (*Office Action* at page 2);
2. the Office Action of June 19th had a shortened statutory response period of one month that expired on July 19, 2002, and a six-month statutory response period that expired on December 19, 2002 (*Office Action Summary*);
3. Applicant's attorney submitted a Response to Office Action electing to prosecute claims 1, 14-31, and 52-61, and a Petition for Five-Month Extension of Time with an authorization to charge the appropriate fee to Applicant's Attorney's Deposit Account,

all mailed on December 19, 2002 and bearing a proper certificate of mailing pursuant to 37 C.F.R. § 1.8 (copy of documents enclosed); and

4. Applicant's attorney received a postcard from the Office acknowledging receipt of the Response and Petition, and bearing a date of December 23, 2002.

Accordingly, Applicant respectfully requests that the holding of abandonment be withdrawn since Applicant did indeed file a timely response to the Office Action of June 19, 2002, and in view of the terminal disclaimer that follows (see *MPEP* § 711.03(b)). Moreover, Applicant's undersigned attorney has been discussing this issue with Examiner Taylor for several weeks and has understood from such discussions that the Office intends to revive the subject application.

TERMINAL DISCLAIMER

The owner, Schlumberger Technology Corporation, of the subject application hereby disclaims a portion of the term of any patent granted on the subject application that would extend beyond the date twenty years from the filing date of the earliest application to which the subject application specifically refers under 35 U.S.C. 120, 121, or 365(c), or on any application that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the subject application.

It is not believed that any fees are incurred by the filing of this Petition. However, should any fees be required by this submission, the Commissioner is authorized to charge such fees to Deposit Account No. 50-0714/WEST/0008.

Respectfully submitted,



Steven L. Christian
Attorney for Applicant
Registration No. 38,106
STREETS & STEELE
13831 Northwest Freeway, Suite 355
Houston, Texas 77040
(713) 939-9444





DOCKET NO. WEST/0008
SERIAL NO. 09/893, 234
FILED: June 26, 2001
APPLICANT/INVENTOR: Simon Hastings Bit/eston

The Patent & Trademark Office acknowledges and has stamped hereon the date of receipt of the items checked below which were mailed

- () PATENT APPLICATIONS
() TOTAL CLS. ___ IND. CLS. ___ FEE \$
() ___ SHEETS OF DRAWING FORMAL/INFORMAL
() LETTER
(x) RESPONSE TO OFFICE ACTION dated 6-19-02
() OATH/ DECLARATION
() SMALL ENTITY STATEMENT
() ASSIGNMENT
() INFORMATION DISCLOSURE STATEMENT time
(x) PETITION for five-month extension
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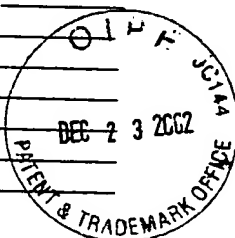
DOCKET NO. WEST/0008
SERIAL NO. 09/893, 234
FILED: June 26, 2001
APPLICANT/INVENTOR: Simon Hastings Bit/eston

EXPRESS MAIL =
MAIL LOG = 1213

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Simon Hastings Bittleston

Serial No.: 09/893,234

Filed: June 26, 2001


For: Control Devices For Controlling
The Position Of A Marine Seismic
Streamer

Commissioner for Patents
Washington, D.C. 20231

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Group Art Unit: 2862

Examiner: Taylor, V.

<u>Certification under 37 CFR 1.8.</u>	
I hereby certify that this document is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington DC 20231, on the below date.	
 Signature	<u>12-16-02</u> Date

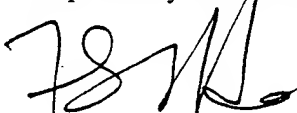
Sir:

PETITION FOR FIVE-MONTH EXTENSION OF TIME

Applicant respectfully petitions the Commissioner under 37 CFR 1.136(a) to grant a five-month extension of time to and including December 19, 2002, in which to file a Response to the Office Action dated June 19, 2002.

This form is filed in duplicate. The Commissioner is authorized to charge any fees which may be required for this submission to Deposit Account No. 50-0714/WEST/0008.

Respectfully submitted,



Frank J. Campigotto
Reg. No. 48,130
Attorney for Applicant
STREETS & STEELE
13831 Northwest Freeway, Suite 355
Houston, Texas 77040
(713) 939-9444



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PATENT
ATTY. DKT. 14.0088 (WEST/0008)

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In re Application of:
Simon Hastings Bittleston

Serial No. 09/893,234

Filed: June 26, 2001

For: Control Devices For Controlling
The Position Of a Marine Seismic
Streamer

Commissioner for Patents
Washington, D. C. 20231

Group Art: 2862

Examiner: Taylor, V.

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I hereby certify that this correspondence is being
deposited with the U.S. Postal Service as First Class
Mail in an envelope addressed to: Commissioner for
Patents, Washington, D. C. 20231 on the date below:

12/16/02 *Y. Lander Charles*
Date Signature

Dear Sir:

RESPONSE TO OFFICE ACTION MAILED ON June 19, 2002

Applicant hereby files this response to the Office Action dated June 19, 2002, having a one-month shortened statutory time period for response, that requires a restriction under 35 U. S. C. 121. Applicant hereby elects to prosecute claims 1, 14-31 and 52-61. Please enter the following amendments.

IN THE CLAIMS:

Please cancel the following claims:

Claims 32-41, 42-50, and 51.

REMARKS

Applicant notes that the claims drawn to the control device of a seismic cable are claims 1, 14-31 and 52-61.

Upon election of prosecuting the claim drawn to the control device of a seismic cable, Applicant hereby cancels, without prejudice, claims 32-41 and 42-50 that are drawn to a method of control, and claim 51, which is drawn to a method of storing streamer cable on a drum.

Respectfully submitted,



Frank J. Campigotto
Registration No. 48,130
STREETS & STEELE
13831 Northwest Freeway, Suite 355
Houston, Texas 77040
(713) 939-9444
Attorney for Applicant



24945

PATENT TRADEMARK OFFICE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,234	06/26/2001	Simon Hastings Bittleston	14.0088	6054

7590

12/09/2002

John H. Bouchard
GeoQuest
Suite 1700
5599 San Felipe
Houston, TX 77056-2722

EXAMINER

TAYLOR, VICTOR J

ART UNIT

PAPER NUMBER

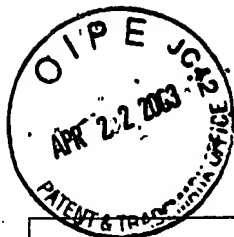
2862

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Jan 13 2003
C.G. 1
For marked
from GeoQuest
MIS—
xc: SLC—
S+S—

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14

Notice of Abandonment

Application No.

09/893,234

Applicant(s)

BITTLESTON, SIMON
HASTINGS

Examiner

Victor Taylor

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 19 June 2002.

(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

(c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

(d) ☒ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

(b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.

(c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

(a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

(b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

The applicant failed to reply to the restriction requirement and the case is abandoned.

VICTOR J. TAYLOR
PATENT EXAMINER
ART UNIT 2862
2 Dec 2002

EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Interview Summary

Application No.

09/893,234

Applicant(s)

BITTLESTON, SIMON
HASTINGS

Examiner

Victor Taylor

Art Unit

2862

All participants (applicant, applicant's representative, PTO personnel):

(1) Victor Taylor.

(3) _____

(2) Jeffery L. Streets No. 37,453.

(4) _____

Date of Interview: 02 December 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: _____

Claim(s) discussed: 1-61.

Identification of prior art discussed: Over due restriction requirement election and abandonment.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

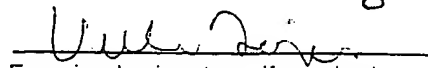
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The attorney advised that no reply had been made to the restriction requirement of June 19, 2002.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.